

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: HYPODERMIC PRODUCTS  
ANTITRUST LITIGATION**

**MEDSTAR HEALTH, INC., et al.,  
Plaintiffs,  
v.  
BECTON DICKINSON &  
COMPANY,  
Defendant.**

**Case No. 05-CV-1602 (JLL)(CCC)  
MDL No. 1730**

**Judge Jose L. Linares  
Magistrate Judge Claire C. Cecchi**

**Case No. 06-CV-03258**

**NOTICE OF MOTION**

**Oral Argument Requested**

To: All Parties On Attached Service List:

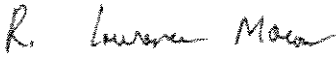
PLEASE TAKE NOTICE that pursuant to the Scheduling Order entered by this Court, Fed. R. Civ. P. 56(a) and L. Civ. R. 7.1 and 56.1, the above-captioned Plaintiffs (collectively "MedStar"), by their undersigned counsel, shall move this Court for an order granting MedStar's Motion for Partial Summary that MedStar has standing to pursue federal antitrust claims against Defendant. As explained more fully in Plaintiffs' Memorandum of Law in Support of MedStar's Partial Motion for Summary Judgment, the material facts over which there is no genuine dispute show that MedStar is a direct purchaser from Defendant Becton Dickinson & Company of Disposable Hypodermic Products purchased pursuant to contracts between MedStar and Defendant.

IN SUPPORT of this motion, Plaintiffs will rely upon the accompanying Memorandum of Law and Certification of R. Laurence Macon and attachments thereto. A proposed form of order is also submitted herewith.

Plaintiffs request oral argument on this motion.


Dated: December 22, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Carolyn Mozden, hereby certify that, on the 22nd day of December, copies of the above-captioned Plaintiff MedStar's Motion for Partial Summary Judgment that it is a Direct Purchaser under Section 4 of the Clayton Act, Memorandum of Law in Support, Concise Statement of Undisputed Material Facts in Support and Supporting Declaration of R. Laurence Macon, were served by overnight mail (and by electronic mail where addresses are noted) on the parties listed on the attached service list.

  
\_\_\_\_\_  
Carolyn Mozden

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